

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Abel Ortiz Abrego,	:	
<i>Petitioner,</i>	:	Case No. 1:24-cv-02272-MLB
	:	
v.	:	
	:	
Lorena Garfias Garfias,	:	
<i>Respondent.</i>	:	
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ANSWER AND AFFIRMATIVE DEFENSES

Respondent Lorena Garfias Garfias submits the following Answer to the Complaint and Petition filed by Petitioner Abel Ortiz Abrego:

I. INTRODUCTION

1. This paragraph contains introductory statements and conclusions of law to which no response is required. To the extent a response is required, Respondent denies that A.C.O.G. has been wrongfully removed from Mexico and wrongfully retained in Georgia by Respondent.

2. This paragraph is a statement of the law to which no response is required.

3. This paragraph is a statement of the law to which no response is required.

4. This paragraph is a statement of the law to which no response is required.

II. JURISDICTION

5. Admitted.

III. STATEMENT OF FACTS

6. Admitted that the parties were married on or around November 28, 2014.

Admitted that the child was born in 2012 with the additional information that Petitioner attempted to force Respondent to get an abortion. Admitted that the parties are divorced.

7. Denied given the exhibits attached by Petitioner directly grant “guardianship and custody of their minor son” to Respondent and, thus, refute the statement that parental authority was granted to Petitioner. (Comp. at p. 11). Admitted that Petitioner was awarded visitation. Admitted that Petitioner would sometimes visit with the child with the additional information that Petitioner would sometimes cancel the visits and several times A.C.O.G. would refuse to visit with Petitioner.

8. Admitted.

9. Admitted that A.C.O.G. was with Respondent on or about June 6, 2023. Respondent is without information to admit or deny when or what Petitioner believed he learned. Admitted that Respondent has not permitted contact with A.C.O.G. with the additional information that this is because Petitioner has subjected A.C.O.G. to physical and sexual abuse, which is why Respondent exercised her rights of custody and guardianship to remove A.C.O.G. from the danger of Petitioner.

10. This paragraph references documents, which speak for themselves. To the extent a response is required, Respondent admits that the referenced documents contain the information, among other things, that Petitioner represents.

11. This paragraph is a statement of law to which no response is required.

**IV. WRONGFUL REMOVAL AND RETENTION OF THE CHILD BY
RESPONDENT: CLAIM FOR RELIEF UNDER
THE HAGUE CONVENTION**

12. Denied.

13. Denied with the additional information that A.C.O.G.'s removal by his custodial parent is patently foreseeable given Petitioner's unlawful and abusive conduct, referenced in paragraph 9, *supra*, against A.C.O.G. and Respondent.

14. Denied

a. Denied.

b. Denied.

15. Denied.

16. Denied.

17. Admitted that A.C.O.G. is eleven years old. The remainder of the paragraph is a statement of law to which no response is required.

18. This paragraph references documents, which speak for themselves. To the extent a response is required, Respondent admits that the referenced documents contain the information, among other things, that Petitioner represents.

V. PROVISIONAL REMEDIES
(22 U.S.C. § 9004 & HAGUE CONVENTION, ARTICLE 26)

19. Respondent denies that Petitioner is entitled to the relief requested.

VI. ATTORNEY FEES AND COSTS
(22 U.S.C. § 9007 and HAGUE CONVENTION, ARTICLE 26)

20. Respondent denies that Petitioner is entitled to the relief requested.

VII. NOTICE OF HEARING
(22 U.S.C. § 9003)

21. This paragraph is a statement of law to which no response is required.

VIII. RELIEF REQUESTED

Respondent denies that Petitioner is entitled to the relief requested.

AFFIRMATIVE DEFENSES

Without waiving (and expressly reserving) the right to assert any affirmative defense at any time to the extent discovery and factual developments establish a basis for them, Respondent asserts the following affirmative defenses.

1. There is a grave risk that the return of A.C.O.G. to Mexico would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.
2. The child objects to being returned to Mexico and has attained an age and degree of maturity at which it is appropriate to take account of his views.

3. The return of the child would not be permitted by the fundamental principles of the United States relating to the protection of human rights and fundamental freedoms.

Date: June 19, 2024.

Respectfully submitted,

/s/ Stephen M. Reba

STEPHEN M. REBA

Georgia Bar No. 532158

Counsel for Respondent

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CERTIFICATE OF SERVICE/TYPEFACE/WORDCOUNT

This is to certify that I have served a copy of the within and foregoing *Answer and Affirmative Defenses* on Bonnie Stinson, 50 Technology Way Pkwy S, Peachtree Corners, GA 30092, through this Court's electronic filing system, which generates an email with said copy attached in electronic form. I further certify that the foregoing document was formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1C, and contains 896 words.

This 19th day of June, 2024.

/s/ Stephen M. Reba
STEPHEN M. REBA
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Counsel for Respondent

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